

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTHONY W. SOTIN,

Plaintiff,

vs.

DEPUTY REED, et al.,

Defendants.

No. CV-07-326-LRS

ORDER OF DISMISSAL

Plaintiff has filed what the court construes as a motion for voluntary dismissal of this action, although the document is captioned "civil complaint." (Ct. Rec. 17). It is not clear if this document was served upon counsel for the Defendants. Defendants filed an answer in this matter on June 6, 2008 (Ct. Rec. 15) and a telephonic scheduling conference is currently set for July 8.

Because Defendants filed an answer, dismissal can only be effected through a court order on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). Good cause appearing, Plaintiff's motion (Ct. Rec. 17) is **GRANTED** and the captioned action is **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 41(a)(2). The telephonic scheduling conference set for July 8 is **VACATED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this order and forward a copy to the Plaintiff and to counsel for Defendants. The District Court Executive shall administratively **CLOSE** this file.

DATED this 20th day of June, 2008.

s/Lonny R. Suko

LONNY R. SUKO
United States District Judge